



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 12/16/2004
PAGE: 1 of 1

SUBJECT: C14-04-0151 - The Domain - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11400 Burnet Road & 3300 W. Braker Lane (Shoal Creek and Walnut Creek Watersheds) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning in order to change a condition of zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning with conditions. Applicant: The Domain Center, L.P., Multek Community Center, L.P. (James M. Barkley). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0151

P. C. DATE: November 23, 2004

ADDRESS: 11400 Burnet Road & 3300 W. Braker Lane

OWNER/APPLICANT: The Domain Center, L.P., Multek Community Center, L.P.
(James M. Barkley)

AGENT: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann)

ZONING FROM: MI-PDA **TO:** MI-PDA **AREA:** 96.133 acres

The applicant is requesting to rezone the property from MI-PDA to MI-PDA to amend the Domain and the Multek zoning ordinances to modify the following conditions:

The Domain - Ordinance #030731-Z-3 ("Attachment A"):

- 1) To add a new section to the ordinance modifying Sections 25-8-301 of the Land Development Code to allow construction on slopes and modifying Sections 25-8-341 and 25-8-342 of the Land Development Code to allow cut and fill in excess of 4-feet;

- 2) Clarifying the language in Part 3, Section 11 of the ordinance regarding the 100-foot setback between certain industrial and commercial uses and residential uses by adding the following language (underlined):

"A 100-foot wide buffer zone measured from building to building shall be established and maintained between property developed with the uses in Section 8 and the following uses:"

- 3) Clarifying the language in Part 3, Section 12 of the ordinance regarding the location of the 25-foot vegetative buffer between the residential uses listed in Section 8 and commercial/ industrial uses by adding the following language (underlined):

"Except as provided in Section 13, a 25-foot wide vegetative buffer to provide screening shall be provided and maintained between property developed with a use in Section 8 and property developed with a commercial or industrial use, except when the use in Section 8 abuts a parking structure where the building shares a common wall or unless there is a driveway, private or public roadway of 60 feet or more separating the residential and commercial/industrial uses. If a 100-foot buffer zone is required under Section 11, the 25-foot wide vegetative buffer may be located within the 100-foot buffer zone."

- 4) Modifying the language in Part 3, Section 10 of the ordinance to add a definition of "horizontal" mixed-use buildings.

Multek - Ordinance #030731-Z-5 ("Attachment B"):

- 1) To add a new section to the ordinance modifying Sections 25-8-301 of the Land Development Code to allow construction on slopes and modifying Sections 25-8-341 and 25-8-342 of the Land Development Code to allow cut and fill in excess of 4-feet;

- 2) Clarifying the language in Part 3, Section 9 of the ordinance regarding the 100-foot setback between certain industrial and commercial uses and residential uses by adding the following language (underlined):

“A 100-foot buffer zone measured from building to building shall be established and maintained between property developed with the uses in Section 6 and the following uses:”

- 3) Clarifying the language in Part 3, Section 10 of the ordinance regarding the location of the 25-foot vegetative buffer between the residential uses listed in Section 6 and commercial/ industrial uses by adding the following language (underlined):

“Except as provided in Section 11, a 25-foot wide vegetative buffer to provide screening shall be provided and maintained between property developed with a use in Section 6 and property developed with a commercial or industrial use, except when the use in Section 6 abuts a parking structure where the building shares a common wall or unless there is a driveway, private or public roadway of 60 feet or more separating the residential and commercial/ industrial uses. If a 100-foot buffer zone is required under Section 9, the 25-foot wide vegetative buffer may be located within the 100-foot buffer zone.”

- 4) Modifying the language in Part 3, Section 8 of the ordinance to add a definition of “horizontal” mixed-use buildings.

SUMMARY STAFF RECOMMENDATION:

The staff’s recommendation is to grant the applicant’s request for items #1-3 listed under The Domain and Multek headings above. The staff’s recommendation for item #1 includes the Environmental Board conditions listed in “Attachment E”-Environmental Board Motion 110304-B1.

The staff has determined that the applicant’s request for item #4, a definition of “horizontal” mixed-use buildings, is unnecessary. The applicant agrees with the staff’s assessment of this item.

PLANNING COMMISSION RECOMMENDATION:

11/23/04: Approved staff recommendation of MI-PDA, with Environmental Board conditions (9-0).

DEPARTMENT COMMENTS:

The property in question is currently developed with office and industrial uses. The applicant proposes to redevelop the Domain and Multek sites with a mixture of uses to pursue a broad diversity of tenants. Through the preliminary layouts for the property, the applicant has discovered the need to clarify certain conditions of the MI-PDA ordinances governing this site. Therefore, the applicant is requesting modifications of the MI-PDA zoning (Request Letter-“Attachment C”).

The staff recommends the applicant’s requested changes to the MI-PDA zoning because the proposed amendments will clarify conditions in the existing ordinances and will not alter the intent of the approved MI-PDA zoning. The proposed change listed in item #1 will allow the applicant to work through existing environmental constraints on the site. The environmental staff recommends the modification requests to allow construction on slopes and to allow cut and fill in excess of 4-feet, with conditions (“Attachment D”- Staff Report for the November 3, 2004 Environmental Board meeting). The EV Board unanimously approved the staff’s recommendation for the modification in listed in item #1 above (“Attachment E”-Environmental Board Motion 110304-B1).

The proposed modifications listed in items #2 and #3 provide additional wording to help the staff and the applicant determine where the vegetative and setback buffers should be measured. This additional language will clarify the placement of these buffers and will not alter the intent of the original requirement for a separation of residential and commercial/or industrial uses.

The proposed MI-PDA zoning will allow for a mixture of high-density residential uses and commercial and industrial uses to be developed on the property in question. The location of the site is appropriate for the proposed mixture and intensity of uses because the property in question is located between three major roadways, MOPAC Expressway North, Burnet Road, and Braker Lane.

The property in question is located within the future Gateway/North Burnet Combined Neighborhood Planning Area. However, at this time the neighborhood plan is on hold pending the results of a regional comprehensive transportation study for this area.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------------|---|
| <i>Site</i> | MI-PDA | Industrial/Office/Warehouse Uses |
| <i>North</i> | LI | Hotel, Office, Bank |
| <i>South</i> | MI | Undeveloped Tract (C14-03-0015), University of Texas J.J. Pickle Research Center |
| <i>East</i> | MI, GR-CO, LI, CS-1 | Industrial/Office, Vacant Building, Gas Station, Retail Center, Bank, Service Station |
| <i>West</i> | MI-PDA, LI | Industrial/Office/ Warehouse Uses |

AREA STUDY: North Burnet/Gateway NP Area

TIA: Waived

WATERSHED: Walnut Creek/Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 64 - River Oaks Lakes Estates Neighborhood
- 114 - North Growth Corridor Alliance
- 511 - Austin Neighborhoods Council

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------|------------------|---|---|
| C14-04-0146 | P to CH | 11/9/04: Approved staff's recommendation of CH zoning with conditions (9-0) | 12/2/04: Pending |
| C14-03-0017 | MI-PDA to MI-PDA | 6/11/03: Approved staff's recommendation of MI-PDA zoning, with inclusion of original PDA conditions (as read into the record) from Ordinance #000608-67 (8-0, R. Pratt-off dias) | 7/31/03: Granted MI-PDA on all 3 readings (7-0) |
| C14-03-0016 | MI to MI-PDA | 6/11/03: Approved staff's recommendation of MI-PDA zoning (8-0, R. Pratt-off dias) | 7/31/03: Granted MI-PDA on all 3 readings (7-0) |
| C14-03-0015 | MI to CS | 6/11/03: Approved staff's recommendation of CS-CO zoning (8-0, R. Pratt-off dias) | 7/31/03: Granted CS-CO on all 3 readings |
| C14-02-0062 | LI to CS-1 | 6/12/02: Approved CS-1 by consent (8-0) | 7/11/02: Approved PC rec. of CS-1 (7-0); all 3 readings |
| C14H-00-2177 | LI-PDA to LI-PDA | 10/24/00: Approved staff rec. of LI-PDA (TR1), LI-PDA-H (TR2) by consent (9-0) | 11/30/00: Approved LI-PDA (TR1) and LI-PDA-H (TR2); (7-0); all 3 readings |
| C14-00-2065 | MI to MI-PDA | 5/9/00: Approved staff rec. of MI-PDA by consent (8-0); with the following conditions: <ol style="list-style-type: none"> 1) That minimum lot size be 1 acre provided for any lots that directly abut Braker Lane and Burnet Road (but not both) and which are less than 3 acres in size. 2) The total number of additional curb cuts on Braker Lane & Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots. 3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road. | 6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings |
| C14-99-0024 | MI to GR | 4/20/99: Approved staff alternate rec. of GR-CO by consent (7-0) | 5/20/99: Approved PC rec. of GR-CO w/ conditions (7-0); 1 st reading |

| | | | |
|-------------|---------|-------------------|---|
| | | | 6/3/99: Approved GR-CO w/ conditions (7-0); 2 nd /3 rd readings |
| C14-92-0072 | IP to P | 8/18/92: Approved | 9/3/92: Approved P; all 3 readings |

RELATED CASES: C14-03-0015
C14-03-0016
C14-04-0017

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION | DAILY TRAFFIC |
|-----------------------|------|----------|----------------|---------------|
| MoPac (Loop 1) | 500' | Varies | Freeway | 91,000 |
| Braker Lane | 114' | 2@30' | Major Arterial | |
| Burnet Road (FM 1325) | 140' | Varies | Major Arterial | 24,000 |

CITY COUNCIL DATE: December 16, 2004

ACTION:

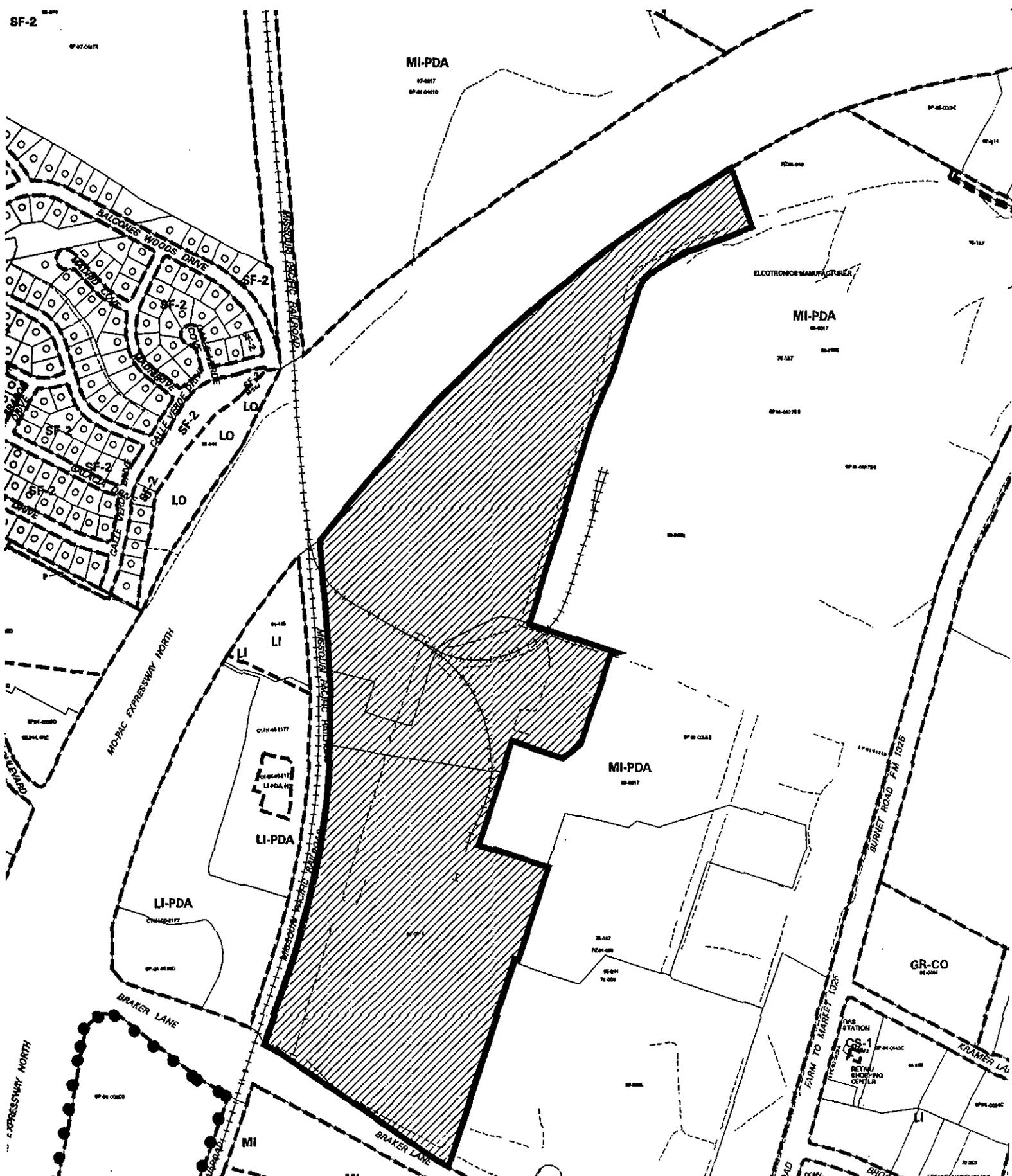
ORDINANCE READINGS: 1st

2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057,
sherri.gager@ci.austin.tx.us




 SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: S. GAGER

ZONING
CASE #: C14-04-0151
 ADDRESS: 11400 BURNET RD & 3300
 W BRAAKER LANE
 SUBJECT AREA (acres): 96.133

DATE: 04-10
 INTLS: SM

CITY GRID REFERENCE NUMBER
 K33-34

1" = 600'

STAFF RECOMMENDATION

The staff's recommendation is to grant the applicant's request for items #1-3 listed under The Domain and Multek headings above. The staff's recommendation for item #1 includes the Environmental Board conditions listed in "Attachment E"- Environmental Board Motion 110304-B1.

The staff has determined that the applicant's request for item #4, a definition of "horizontal" mixed-use buildings, is unnecessary. The applicant agrees with the staff's assessment of this item.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The MI district designation is for a commercial service use, research and development use, administrative use, or manufacturing use that meets strict development and performance standards and is generally located on a large site or in a planned industrial center.

The PDA combining district designation provides for industrial and commercial uses in certain commercial and industrial base districts.

2. *The proposed zoning should promote consistency, and orderly planning.*

The rezoning of the property in question to amend the Domain and the Multek zoning ordinances will clarify requirements for the development of these sites. The proposed amendments are minor in nature and will not alter the intent of the approved MI-PDA zoning.

The proposed change listed in item #1 will allow the applicant to work through existing environmental constraints on the site. The staff and the Environmental Board recommend these modification requests to allow construction on slopes and to allow cut and fill in excess of 4-feet, with conditions.

The proposed modifications listed in items #2 and #3 provide additional wording to clarify where the vegetative and setback buffers should be measured/ located within the site. This additional language will not alter the intent of the original requirement for a separation of residential and commercial/or industrial uses.

3. *Zoning changes should promote an orderly relationship among land uses.*

MI-PDA zoning would allow this site to be developed with a mixture of high-density residential uses and commercial and industrial uses. This location is appropriate for the proposed PDA because the property in question is located between three major roadways, MOPAC Expressway North (freeway), Burnet Road (major arterial roadway), and Braker Lane (major arterial roadway). A portion of the tract also abuts the Missouri Pacific Railroad.

EXISTING CONDITIONS

Site Characteristics

The property in question is currently developed as an industrial/office campus. It is located along Mopac Expressway North, a freeway, and Burnet Road, a major arterial roadway. A portion of the site borders the Missouri Pacific Railroad on the western side.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the MI zoning district would be 80 %. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

A portion of the site is located over the Edward's Aquifer Recharge Zone. The site is in the Walnut and Shoal Creek Watersheds of the Colorado River Basin. Shoal Creek is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in the Shoal Creek Watershed. The portion of the site that is located in the Shoal Creek Watershed is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

The portion of the site that is within the Walnut Creek Watershed is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment within the Walnut Creek portion of the site will be subject to the following impervious cover limits:

| <i>Development Classification</i> | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

A portion of the site is located over the Edward's Aquifer Recharge Zone. The site is in the Walnut and Shoal Creek Watersheds of the Colorado River Basin.

The portion of the site that is within the Walnut Creek Watershed is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which preempt current water quality or Code requirements.

The applicant has requested the following environmental variances in this case:

1. To LDC Sections 25-8-301 & 302 for Construction on Slopes
2. To LDC Sections 25-8-341 & 342 fro Cut/Fill in excess of 4 feet

The Environmental Board heard this request on November 3, 2004 (Staff recommendation – “Attachment D”). The Environmental Board recommendations are included as “Attachment E” to this report.

Transportation

No additional right-of-way is required at this time. Additional right-of-way may be required with the subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 171,014 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis has been waived for the following reason(s): TIA waived until the submittal of the next site plan because the applicant has only requested a changes in zoning do not increase the development intensity. A TIA will be required at the time of site plan for the entire tract. [LDC, 25-6-117]

There are no existing sidewalks along the adjacent portions of Braker Lane or MoPac (Loop 1).

Braker Lane is not classified in the Bicycle Plan.

MoPac (Loop 1) is classified in the Bicycle Plan as a Priority Two bike route.

Capital Metro bus service is available along Braker Lane.

Existing Street Characteristics:

| NAME | ROW | PAVEMENT | CLASSIFICATION | DAILY TRAFFIC |
|-----------------------|------|----------|----------------|---------------|
| MoPac (Loop 1) | 500' | Varies | Freeway | 91,000 |
| Braker Lane | 114' | 2@30' | Major Arterial | |
| Burnet Road (FM 1325) | 140' | Varies | Major Arterial | 24,000 |

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The site is served with City water and wastewater utilities. Water and wastewater utility improvements, system upgrades, and offsite main extension are necessary for the proposed land use, subdivision, and development. The landowner will be responsible for all costs and providing.

The water and wastewater utility improvements, system upgrades, and offsite main extension must be in accordance with the City utility design criteria and specifications. The utility plan must be reviewed and approved by the Austin Water Utility.

If an offsite easement is required, the subject landowner will be responsible for obtaining. The easement must be for a location and in a form acceptable to the City.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

This site is not subject to compatibility development regulations.

ORDINANCE NO. 030731-Z-5

AN ORDINANCE REZONING AND CHANGING THE MAP FOR THE PROPERTY KNOWN AS THE MULTEK PROJECT LOCATED AT 3300 WEST BRAKER LANE FROM MAJOR INDUSTRIAL (MI) DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from major industrial (MI) district to major industrial planned development area (MI-PDA) combining district on the property described in Zoning Case No.C14-03-0016, on file at the Neighborhood Planning and Zoning Department, as follows:

A 70.500 acre tract of land, more or less, out of the James Rodgers Survey No. 19, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 3300 West Braker Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as otherwise provided in Part 4, Section 3, development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

PART 3. Development of the Property shall comply with the following use regulations:

1. Except as provided in Section 3, all permitted and conditional major industrial (MI) uses are permitted and conditional uses of the Property.

2. The following are additional permitted uses of the Property:

Condominium residential
Retirement housing (large site)
Consumer repair services
Recreation equipment sales
Research testing services
Administrative services
Convalescent services
Multifamily residential

Retirement housing (small site)
Townhouse residential
Recreation equipment maintenance
and storage
Veterinary services
College and university facilities
Postal facilities

3. The following uses are prohibited uses of the Property:

Monument retail sales
Recycling center

Basic industry

PART 4. Development of the Property shall comply with the following site development regulations:

1. Definitions

As used in this ordinance:

Mixed Use Building is a building used for both commercial and residential uses.

2. Lot size

The minimum lot size is one and one-half acres.

3. The Property shall comply with Section 25-2-648 of the City Code except that it does not apply to uses of tenants that occupy the Property on July 31, 2003.

4. The maximum density for residential use is 1,410 dwelling units.

5. Except as provided in Section 7, MI site development standards apply to the Property.

6. Sections 7, 9, and 10 apply to the following uses:

Condominium residential
Retirement housing (small site)
Townhouse residential
Convalescent services

Multifamily residential
Retirement housing (large site)
Congregate living

7. If the Property is developed with a use in Section 6 and;

- a. the development is a mixed use building that complies with the site development standards in Section 8, then development of the Property shall comply with the setback requirements of MI; or
- b. the development is a mixed use building other than one described in Section 7a, then development of the Property shall comply with the setback requirements of the multifamily residence high density (MF-5) district.

8. This section applies to a mixed use building described in Section 7a.

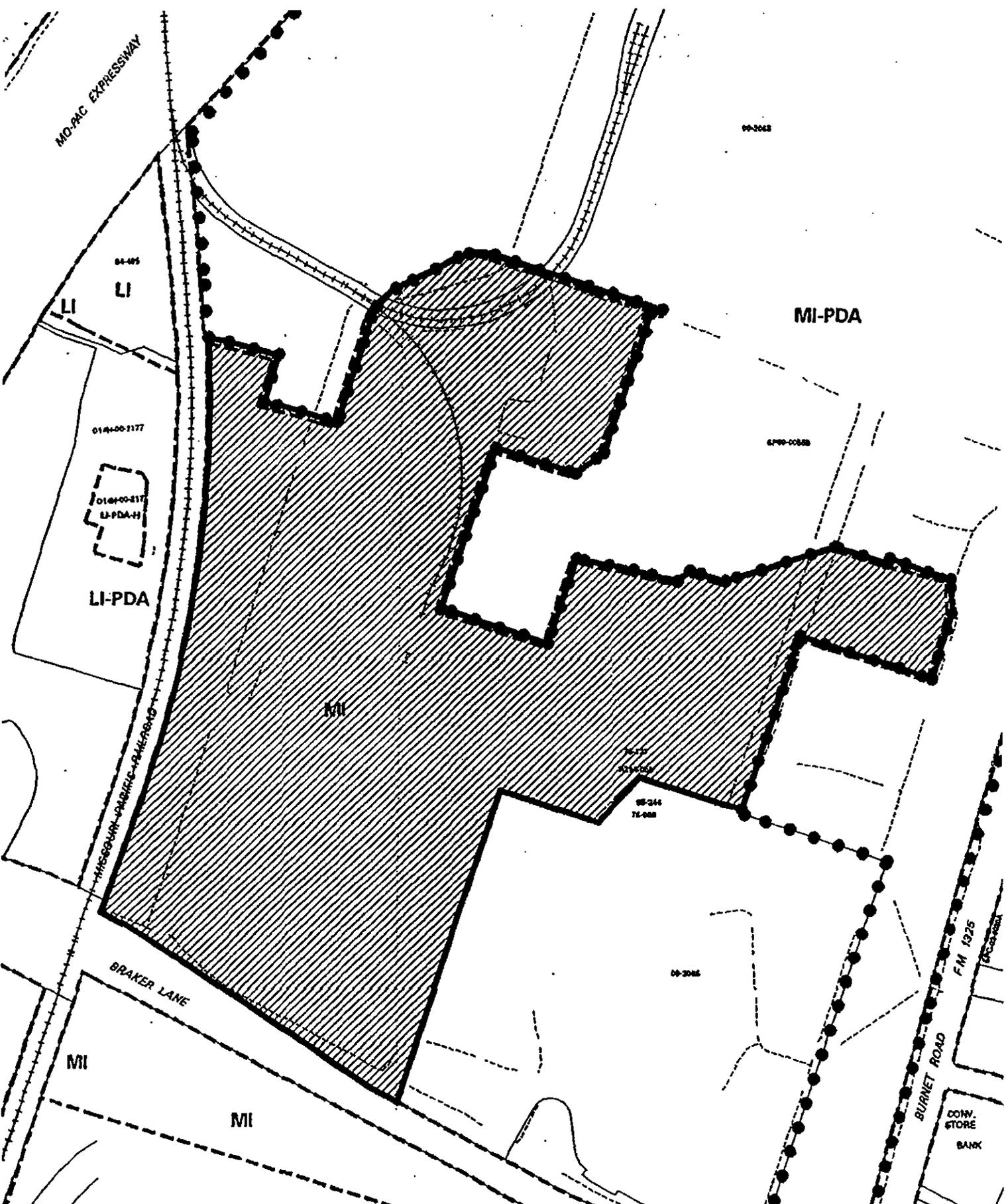
- a. The building contains residential units above ground floor level.
- b. The square footage of the residential units on the ground floor is not more than 50 percent of the gross floor area of the ground floor.
- c. The square footage of the non-residential units in the above-ground floor area is not more than 50 percent of the gross floor area of the above-ground floor area.

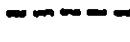
9. A 100-foot wide buffer zone shall be established and maintained between property developed with the uses in Section 6 and the following uses:

Agricultural sales and services
Equipment repair services
Research services
General warehousing and distribution
Limited warehousing and distribution
Postal facilities

Construction sales and services
Equipment sales
Research testing services
Light manufacturing
Maintenance and service facilities
Railroad facilities

Improvements permitted within the buffer zone are limited to driveways, parking facilities, solid fences, pedestrian trails, hike and bike trails, recreational facilities,



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: S. GAGER

CASE #: C14-03-0016
ADDRESS: 3300 W BRAKER LANE
SUBJECT AREA (acres): 70.500

ZONING EXHIBIT B

DATE: 03-02
 INTLS: SM

CITY GRID
 REFEREN
 NUMBER
K33

200300335

DOMAIN SECTION 2 SUBDIVISION



- LEGEND**
- 1/2" IRON ROD FOUND
 - SALT POND
 - 1/2" IRON PIPE FOUND
 - 1/2" IRON ROD SET FOUND
 - CONCRETE IMPACT FOUND
 - SURVEY

65.25 ACRES
NATIONAL INSTRUMENTS CORP.
VOL. 11971, PG. 1941

BLOCK 'A'
LOT 3
41923 ACRES

70.494 ACRES
MULTILAYER TEK, L.P.
VOL. 13200, PG. 157

70.494 ACRES
MULTILAYER TEK, L.P.
VOL. 13200, PG. 157

BLOCK 'A'
LOT 2
148,621 ACRES

MOPAC EXPRESSWAY NORTH
(R.O.W. VARIES)

A THREE LOT SUBDIVISION
CONSISTING OF 200.286 ACRES
DOMAIN SECTION 2
SUBDIVISION

DATE: FEBRUARY 2002
PREPARED BY:

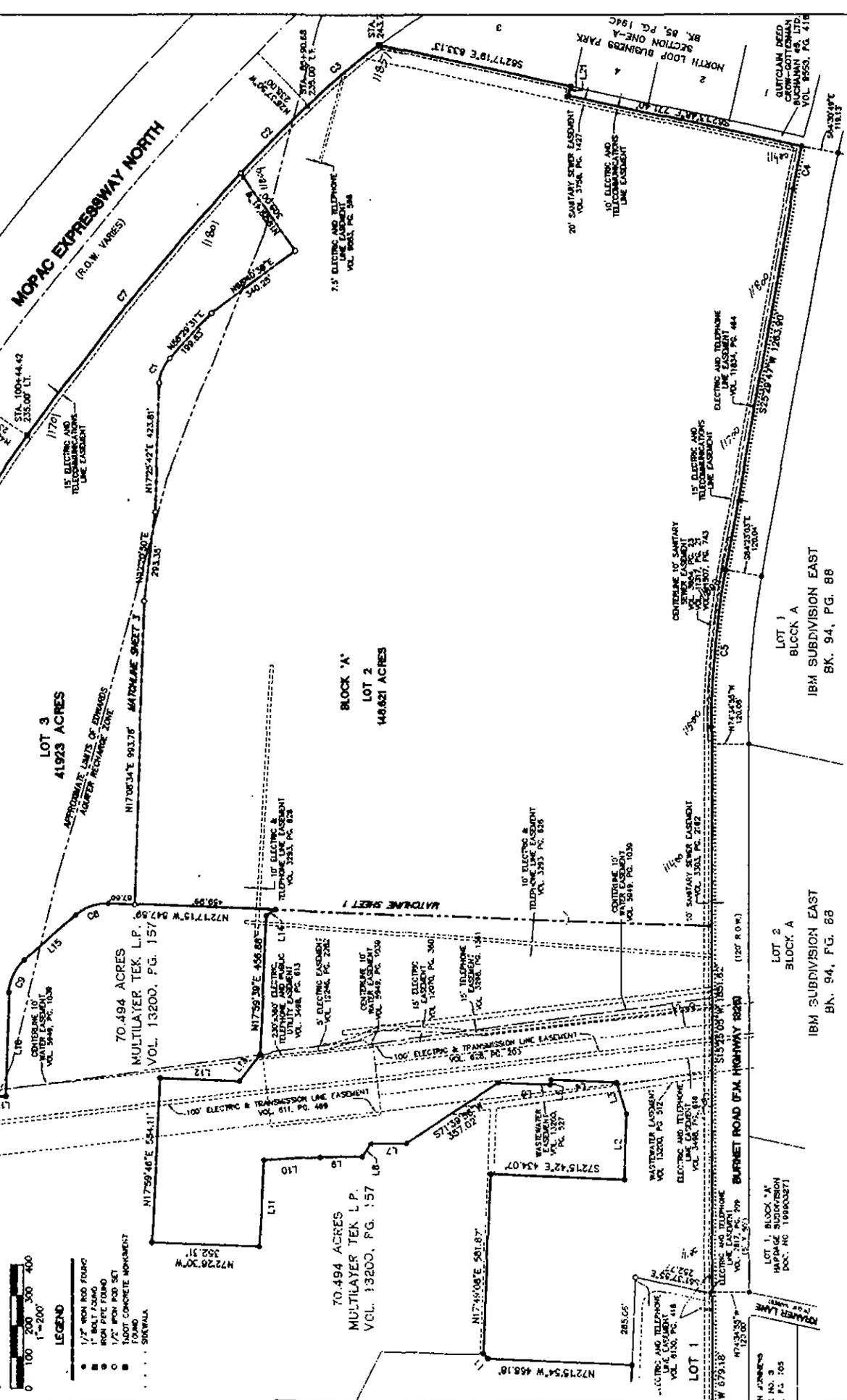
Bury+Partners
Consulting Engineers and Surveyors
Austin, Texas Tel: 512/292-8011 Fax: 512/292-8055
Bury+Partners, Inc. ©Copyright 2002

Case # 100301
Drawn by: B.P. Approved by: J.P.
C8-03-0039.0A

11961

200300333

DOMAIN SECTION 2 SUBDIVISION



- LEGEND**
- 1/2" IRON ROD FOUND
 - 1" BOLT FOUND
 - IRON PIPE FOUND
 - 1/2" IRON PIPE SET
 - CONCRETE MONUMENT
 - SINKHOLE

DATE: FEBRUARY 2002
 PREPARED BY:
Bury+Partners
 Consulting Engineers and Surveyors
 Austin, Texas Tel 512/258-4011 Fax 512/258-4055
 Bury+Partners, Inc. Copyright 2002
 Corp. # 0004109
 Div. # 1017 Approved By: JTB Project No.: 1017-06-20 File # 10170610170620.dwg

A THREE LOT SUBDIVISION
 CONSISTING OF 200.286 ACRES
DOMAIN SECTION 2
SUBDIVISION

IBM SUBDIVISION EAST
 BLCK. A
 BK. 94, PG. 88

IBM SUBDIVISION EAST
 BLCK. A
 BK. 94, PG. 88

IBM SUBDIVISION EAST
 BLCK. A
 BK. 94, PG. 88

IBM SUBDIVISION EAST
 BLCK. A
 BK. 94, PG. 88

IBM SUBDIVISION EAST
 BLCK. A
 BK. 94, PG. 88

IBM SUBDIVISION EAST
 BLCK. A
 BK. 94, PG. 88

IBM SUBDIVISION EAST
 BLCK. A
 BK. 94, PG. 88

SHEET
2
 OF 4

DRAFT MEETING SUMMARY
Pending PC Approval

DISCUSSION AND ACTION ON ZONING CASES

- 3. Rezoning: C14-04-0151 - The Domain**
 Location: 11400 Burnet Road & 3300 W. Baker Lane, Shoal Creek/ Walnut Creek Watershed, North Burnet/ Gateway NPA NPA
 Owner/Applicant: The Domain Center, L.P. , Multek Community Center, L.P. (James M. Barkley)
 Agent: Drenner Stuart Wolff Metcalfe von Kreisler (Michele Haussmann)
 Request: MI-PDA to MI-PDA
 Staff Rec.: **Pending**
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

Sherri Gager presented the staff recommendation.

In response to Commissioner Sullivan's question about the cut and fill request, Chris Dolan, WPDR staff, explained that the hill is manmade.

In regards to the plans for transplanting some of the trees on site, Commissioner Hollon asked about the survival rate of the trees. Bob Anderson, landscape architect for the project, said that they have identified the trees that could be transplanted. He has a history of moving trees in Austin and the success rate is over 90%.

Commissioner Sullivan said it is important to look at access in this area during neighborhood planning stages. Commissioner Hollon notices that detention ponds are being filled on the site. Steve Drenner, the agent for the property owner, said that the ponds are not water quality ponds, but are there in case of chemical spills from the facility.

Commissioner Cortez asked about plans for the residential uses. Mr. Drenner said that there will be a diverse array of housing.

***MOTION: CLOSE PUBLIC HEARING
VOTE: 7-0 (DS-1st, CM-2nd; CG-ABSENT)***

***MOTION: APPROVE STAFF RECOMMENDATION, INCLUDING THE 5 CONDITIONS LISTED IN WPDR'S MEMO DATED NOVEMBER 16, 2004.
VOTE: 7-0 (DS-1st, CM-2nd; CG-ABSENT)***

ORDINANCE NO. 030731-Z-3

AN ORDINANCE REZONING AND CHANGING THE MAP FOR THE PROPERTY KNOWN AS THE DOMAIN PROJECT LOCATED AT 11400 BURNET ROAD FROM MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from major industrial planned development area (MI-PDA) combining district to major industrial planned development area (MI-PDA) combining district on the property described in Zoning Case No.C14-03-0017, on file at the Neighborhood Planning and Zoning Department, as follows:

A 234.762 acre tract of land, more or less, out of the James Rodgers Survey No. 19, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, SAVE AND EXCEPT a 34.476 acre tract also known as Lot 1, Block A, Domain Section 1 Subdivision, more particularly described in Document No. 200100336, Public Records of Travis County, (the "Property")

locally known as 11400 Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as otherwise provided in Part 4, Section 5, development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

PART 3. Development of the Property shall comply with the following use regulations:

1. Except as provided in Section 3, all permitted and conditional major industrial (MI) uses are permitted and conditional uses of the Property.

2. The following are additional permitted uses of the Property:

| | |
|---------------------------------|---|
| Condominium residential | Retirement housing (small site) |
| Retirement housing (large site) | Townhouse residential |
| Consumer repair services | Recreation equipment maintenance and storage |
| Recreation equipment sales | Veterinary services |
| Research testing services | College and university facilities |
| Administrative services | Postal facilities |
| Convalescent services | |
| Multifamily residential | |

3. The following uses are prohibited uses of the Property:

| | |
|-----------------------|----------------|
| Monument retail sales | Basic industry |
| Recycling center | |

PART 4. Development of the Property shall comply with the following site development regulations:

1. Definitions

As used in this ordinance:

- a. *Burnet Road Pad Lot* means a lot that has frontage of 150 feet or more on Burnet Road and is less than three acres in size. A lot that has frontage on both Burnet Road and Braker Lane is not included in this definition.
- b. *Braker Lane Pad Lot* means a lot that has frontage of 150 feet or more on Braker Lane and is less than three acres in size. A lot that has frontage on both Burnet Road and Braker Lane is not included in this definition.
- c. *Mixed Use Building* is a building used for both commercial and residential uses.

2. Lot size

The minimum lot size is one and one-half acres.

3. Curb cuts

- a. The total number of curb cuts in addition to those existing on the date of this ordinance providing access to Braker Lane Pad Lots may not exceed 50 percent of the total number of Braker Lane Pad Lots.
- b. The total number of curb cuts in addition to those existing on the date of this ordinance providing access to Burnet Road Pad Lots may not exceed 50 percent of the total number of Burnet Road Pad Lots.

4. Frontage of Pad Lots

- a. The total frontage of Braker Lane Pad Lots may not exceed 40 percent of the total Braker Lane frontage located within the Property.
- b. The total frontage of Burnet Road Pad Lots may not exceed 50 percent of the total Burnet Road Lane frontage located within the Property.

5. The Property shall comply with Section 25-2-648 of the City Code except that it does not apply to uses of tenants that occupy the Property on July 31, 2003.

6. The maximum density for residential use is 4,005 dwelling units.

7. Except as provided in Section 9, MI site development standards apply to the Property.

8. Sections 9, 11, and 12 apply to the following uses:

| | |
|---------------------------------|---------------------------------|
| Condominium residential | Multifamily residential |
| Retirement housing (small site) | Retirement housing (large site) |
| Townhouse residential | Congregate living |
| Convalescent services | |

9. If the Property is developed with a use in Section 8 and;

- a. the development is a mixed use building that complies with the site development standards in Section 10, then development of the Property shall comply with the setback requirements of MI; or

- b. the development is a mixed use building other than one described in Section 9a, then development of the Property shall comply with the setback requirements of the multifamily residence high density (MF-5) district.

10. This section applies to a mixed use building described in Section 9a.

- a. The building contains residential units above ground floor level.
- b. The square footage of the residential units on the ground floor is not more than 50 percent of the gross floor area of the ground floor.
- c. The square footage of the non-residential units in the above-ground floor area is not more than 50 percent of the gross floor area of the above-ground floor area.

11. A 100-foot wide buffer zone shall be established and maintained between property developed with the uses in Section 8 and the following uses:

Agricultural sales and services
Equipment repair services
Research services
General warehousing and distribution
Limited warehousing and distribution
Postal facilities

Construction sales and services
Equipment sales
Research testing services
Light manufacturing
Maintenance and service facilities
Railroad facilities

Improvements permitted within the buffer zone are limited to driveways, parking facilities, solid fences, pedestrian trails, hike and bike trails, recreational facilities, detention and water quality re-irrigation facilities, drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

12. Except as provided in Section 13, a 25-foot wide vegetative buffer to provide screening shall be provided and maintained between property developed with a use in Section 8 and property developed with a commercial or industrial use. Improvements permitted within the 25-foot buffer zone are limited to drainage, underground utility improvements, overhead electric or communication lines or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

13. Section 12 does not apply if a use in Section 8 is in a mixed use building as described in Section 9a.

PART 5. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

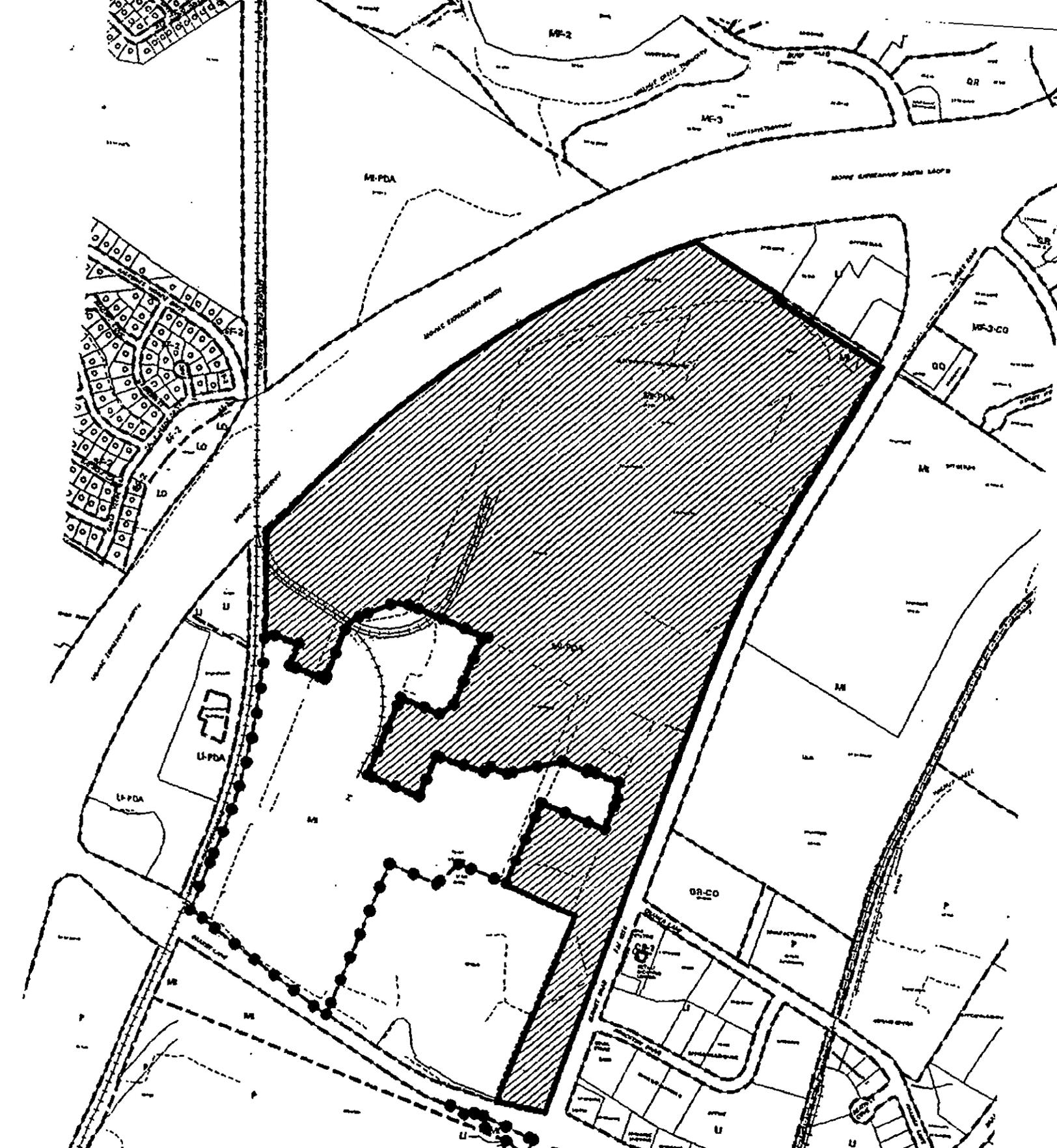
PART 6. This ordinance takes effect on August 11, 2003.

PASSED AND APPROVED

_____ July 31 _____, 2003 §
§
§
§
_____ *Will Wynn*

Will Wynn
Mayor

APPROVED: _____ *Sedora Jefferson* ATTEST: _____ *Shirley A. Brown*
Sedora Jefferson Shirley A. Brown
City Attorney City Clerk



| | | | | |
|--|--|---|-------------------------|--|
|  | SUBJECT TRACT  | CASE #: C14-03-0017 ADDRESS: 11400 BURNET ROAD SUBJECT AREA (acres): N/A | ZONING EXHIBIT B | CITY GRID REFERENCE NUMBER K33 |
| | PENDING CASE  | | | |
| ZONING BOUNDARY  | CASE MGR: S. GAGER | | | |
| 1" = 800' | | | | |



MICHELE C. HAUSSMANN
PRINCIPAL PLANNER

(512) 404-2233
mch@law.dsw.com

September 22, 2004

Ms. Alice Glasco
Neighborhood Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

VIA HAND DELIVERY

RE: The Domain
Amendment of The Domain and Multek MI-PDA Zoning - City File
Numbers C14-03-0016.01 and C14-03-0017.01 –Approximately 96.133
Acres Located at 11400 Burnet Road & 3300 West Braker Lane
("Property")

Dear Alice:

As representatives of the owners of the above stated Property, we respectfully submit the enclosed zoning application packet. The project is titled The Domain. The existing MI-PDA zoning was approved on July 31, 2003 (Zoning Ordinances 030731-Z-3 and 030731-Z-5). At this time, portions of the Property are developed. The owners intend to develop the Property with a mixed-use development. Copies of the zoning ordinances and an aerial photograph are enclosed for your review.

The proposed amendments to the MI-PDA zoning are included in the attached document. The following is a summary of the proposed amendments:

- 1) New Section: Modification of Sections 25-8-301– To allow construction on slopes and 2) 25-8-341 and 25-8-342 – To allow cut and fill in excess of 4 feet;
- 2) Modification of the Existing Ordinances: Clarification of language regarding the 100-foot setback between certain industrial and commercial uses and residential uses. The proposed language is as follows:
 - a. 100-foot buffer zone measured from building to building shall be established and maintained between property developed with the uses in Section 8 and the following uses.
- 3) Modification of the Existing Ordinances: Clarification of location of the 25-foot vegetative buffer between commercial and residential uses. The proposed language is as follows:

Ms. Alice Glasco
September 22, 2004
Page 2



- a. Except as provided in Section 13, a 25-foot wide vegetative buffer to provide screening shall be provided and maintained between property developed with a use in Section 8 and property developed with a commercial or industrial use, except when the structure is a mixed use building or if the use described in Section 8 is connected with a commercial or industrial use by a common wall or structure, in which case the vegetative buffer shall not be required. If a 100-foot buffer is required under Section 11, the 25-foot wide buffer zone may be located within the proposed 100-foot buffer zone.
- 4) Modification of the Existing Ordinances: Add a definition of "horizontal" mixed-use buildings. The proposed language is as follows:
- a. d. Staff is working on the proposed definition.

The traffic impact analysis was waived for this application because the zoning change request does not increase the density or change the land uses proposed with the original zoning of the Property.

The Property is part of two final plats titled Domain Section 2 Subdivision, City File Number C8-03-0039.0A, and Multek Subdivision, City File Number C8-04-0006.0A. Copies of the final plats are included for your review.

Please let me know if you or your team members require additional information or have any questions. Please keep me updated throughout the review process and when we can discuss Environmental Board and Planning Commission dates. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in black ink that reads 'Michele C. Haussmann'.

Michele C. Haussmann

Enclosures

cc: Laura Huffman, City Manager's Office, (via electronic mail laura.huffman@ci.austin.tx.us without enclosures)
Greg Guernsey, NPZD (via hand delivery without enclosures)
Sherri Gager, NPZD (via hand delivery with enclosures)
Chris Dolan, WPDR (via electronic mail chris.dolan@ci.austin.tx.us without enclosures)
Sue Welch, WPDR (via electronic mail sue.welch@ci.austin.tx.us without enclosures)
Nathan Schneider, Economic Growth & Redevelopment (via electronic mail nathan.schneider@ci.austin.tx.us without enclosures)

Ms. Alice Glasco
September 22, 2004
Page 3



Janet Klotz, North Growth Corridor Alliance (via regular mail without enclosures)
Kathy Shields, Simon Properties, (via electronic mail kshields@simon.com without enclosures)
Joe Stallsmith , Simon Properties (via electronic mail jstallsm@simon.com without enclosures)
Steve Griggs , Simon Properties (via electronic mail stgriggs@simon.com without enclosures)
Ken Aicklen, Baker-Aicklen & Associates, Inc. (via electronic mail kaicklen@b-a-inc.com without enclosures)
Tammi Migl, Baker-Aicklen & Associates, Inc. (via electronic mail tmigl@b-a-inc.com without enclosures)
Heidi Ross, WHM Transportation Engineering, Inc. (via electronic mail ross.heidi@whmeng.com without enclosures)
Steve Drenner, Firm



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED: November 3, 2004

NAME/NUMBER OF PROJECT: The Domain PDA Amendment/C14-04-0151

NAME OF APPLICANT OR ORGANIZATION: The Domain Shopping Center, L.P.
Steve Drenner (Agent), 404-2200

LOCATION: 11400 Burnet Road

PROJECT FILING DATE: September 22, 2004

WATERSHED PROTECTION STAFF: Chris Dolan 974-1881
chris.dolan@ci.austin.tx.us

CASE MANAGER: Sherri Gager 974-3057
sherri.gager@ci.austin.tx.us

WATERSHEDS: Shoal (Urban), Walnut (Suburban)

ORDINANCE: PDA Zoning Ordinances 030731-Z-3 and 030731-Z-5

REQUEST: Amendment to PDA Zoning Ordinances that includes exceptions (variances) from CWO (LDC Sections 25-8-301 & 302 for Construction on Slopes, and 25-8-341 & 342 for Cut/Fill in excess of 4 feet).

STAFF RECOMMENDATION: RECOMMENDED WITH CONDITIONS.



MEMORANDUM

TO: Betty Baker
Chairman, City of Austin Zoning and Platting Commission

FROM: J. Patrick Murphy, Environmental Services Officer
Watershed Protection and Development Review Department

DATE: November 16, 2004

SUBJECT: The Domain C14-04-0151

Description of Project Area

The Domain Shopping Center, L.P., and the Multek Community Center L.P. are currently requesting an amendment to the existing Planned Development Agreement (PDA) that consists of Zoning Ordinances 030731-Z-3 (Domain) and 030731-Z-5 (Multek). The project site is located on the east side of MOPAC (Loop 1), between Braker Lane and Burnet Road. The legal description of the property is Lot 3, Block A, Section 2 of the Domain Subdivision and Lots 1 & 2, Block A of the Multek Subdivision. The property was originally a portion of a large IBM campus that included approximately 305 acres, and currently consists of a reduced IBM campus, the Culinary Institute, other office space, and associated parking. The entire site is located within the full purpose jurisdiction of the City of Austin, and the desired development zone.

The Domain and Multek tracts have a combined acreage of 96.13 acres. All property included within the PDA Agreement is subject to current code requirements with respect to impervious cover and water quality. The site is within both the Shoal Creek and Walnut Creek Watersheds, which are classified as Urban and Suburban Watersheds by the City's Land Development Code (LDC). There is no floodplain, CWQZ, or WQTZ within the site.

Existing Topography and Soil Characteristics

The Domain and Multek tracts were included as part of the original 305 acre IBM campus. The existing development includes several office buildings and associated parking and drives. The topography of the site generally slopes to the north and east. The majority of the surface drainage from the existing development utilizes open trenches that were adjacent to

the internal roads. Drainage for the proposed development will be relocated underground, and will be directed to a wet pond/detention facility located in the northeast corner of the property. The proposed wet pond will receive run-off from a total contributing area of 230 acres. The pond will provide code required water quality volume for 100 acres, which includes the 57 acre Domain mixed use development, 16 acres of the Multek retail project, and 27 acres of future redevelopment. The wet pond will also provide limited treatment for 130 acres of existing development, for which there is currently no water quality treatment. The wet pond will consist of a permanent pool volume of 10.4 acre feet, with 59.5 acre feet of detention volume being provided above the constant water level. The pond will provide extended 1-year detention with 24-hour draw down for the entire 230 acres. This will result in a reduction of pollutants from runoff over the entire 230 acres, and will also provide a significant reduction in downstream erosive flows. Elevations range from approximately 730 feet above mean sea level (MSL) in the area surrounding the pond, to approximately 800 feet above MSL at the north end of the property, adjacent to the MOPAC access road (the elevations adjacent to MOPAC are a direct result of a spoils pile that was created during the construction of MOPAC).

The soils on the site are classified as Austin and Brackett series soils. The soils are moderately permeable, and available water capacity is low.

Vegetation

A large portion of the Domain site consists of buildings, parking areas, and drives that were associated with the existing development. Existing green spaces within the previously developed areas contain a limited number of Class 1 trees. The west side of the property, however, includes some densely forested areas consisting of oaks, elms and several lower class species. The overall project is being designed to preserve mature Class 1 trees to the maximum extent that is possible. The applicant's consultants have been working closely with City Staff, including the City Arborist, to provide an acceptable tree preservation plan for the site. The resulting plan preserves individual and small groups of protected size trees throughout the parking areas, as well as several spacious green areas containing large groups of mature oaks and elms. Additionally, the developers have initiated a plan to relocate approximately 15 Class 1 trees (with a minimum total of 276 caliper inches), that would have otherwise been removed, to suitable locations throughout the site.

Tree replacements will be installed on the site to the maximum extent that is practical. As a condition of staff support, 60% of all replacement trees will be container grown from native seed, and the remainder of the trees will include a two-year survival warranty (as opposed to the standard one year warranty).

Critical Environmental Features/Endangered Species

Based on an Environmental Assessment, as well as a site visits by Watershed Protection Staff, there are no critical environmental features located on site, or within 150 feet of the limits of construction.

Requested Exceptions to the PUD Ordinance Requirements

The PDA Agreement is currently subject to current code environmental requirements (Chapter 25-8 of the LDC). The exceptions requested by this PDA Amendment are to LDC 25-8-301, and 302 for construction on slopes; and to LDC 25-8-341 and 342 for cut/fill in excess of 4 feet. The existing slopes on the property are limited to a relatively small area at the north end of the site. The majority of the slopes are associated with a large spoils disposal pile that was created during the construction of MOPAC Blvd more than twenty years ago. Soil borings, as well as the elevations of trees that existed prior to the construction of MOPAC, confirmed that the majority of the slopes on the site are man-made, and did not exist prior to the construction of MOPAC. A small outcropping of rock, located immediately adjacent to an interior roadway that runs along the east side of the referenced spoils disposal area, represents the only natural slopes on the site.

Cut in excess of 4 feet (to a maximum of 24 feet at the high point of the referenced spoils pile), and fill in excess of 4 feet (to a maximum of 12 feet) is proposed for this development project. All cut in excess of 4 feet is a direct result of the man-made spoils disposal pile. Soil borings confirmed that the fill in question resulted from spoils created during the construction of MOPAC.

Fill in excess of 4 feet will be required in the southwest portion of the site. As part of the existing IBM Campus design, retention areas (to contain potential chemical spills) were created along the southwest side of the campus. Many of these areas were also utilized as ballfields and tennis courts, and are currently at lower elevations than the remainder of the existing development. With all detention/water quality issues being addressed by locating ponds at the northeast corner of the site, fill is proposed to bring these low-lying retention areas back to original grades.

LDC 25-8-301, 302 Construction on Slopes

A driveway cannot be constructed on slopes in excess of 15%, unless the driveway is necessary to provide primary access to at least two (2) contiguous acres with a gradient of 15% or less; or building sites for at least five (5) residential units. A building or parking structure cannot be constructed on slopes in excess of 25%, or except for a parking structure, a parking area cannot be constructed on slopes in excess of 15%.

LDC 25-8-341, 342 Cut/Fill Requirements

Sections 25-8-341 and 342 of the Land Development Code limit cut/fill for projects in the Walnut Creek Watershed to 4 feet, with the following exceptions:

- In an Urban Watershed;
- In a roadway right-of-way (ROW);
- For the structural excavation of a building;
- For utility construction or a wastewater drainfield.

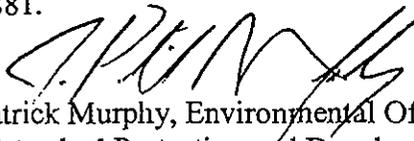
The Code also requires that all approved cuts must be restored and stabilized. The portion of the site that is within the Shoal Creek Watershed is not subject to cut/fill requirements (Shoal Creek is classified as an Urban Watershed).

The proposed PDA Amendment, including specific exceptions to the environmental standards of the Land Development Code, is recommended by Staff with conditions.

Conditions

1. All cut/fill to be structurally contained.
2. All COA required landscaping to utilize grow green native or adapted material.
3. A minimum of 276 caliper inches of Class 1 trees to be relocated within the site. 60% of all replacement trees to be container grown from native seed, and the remainder of the trees will include a 2-year survival warranty.
4. Provide an IPM Plan.
5. Prohibit the use of coal-tar based asphalt sealants.

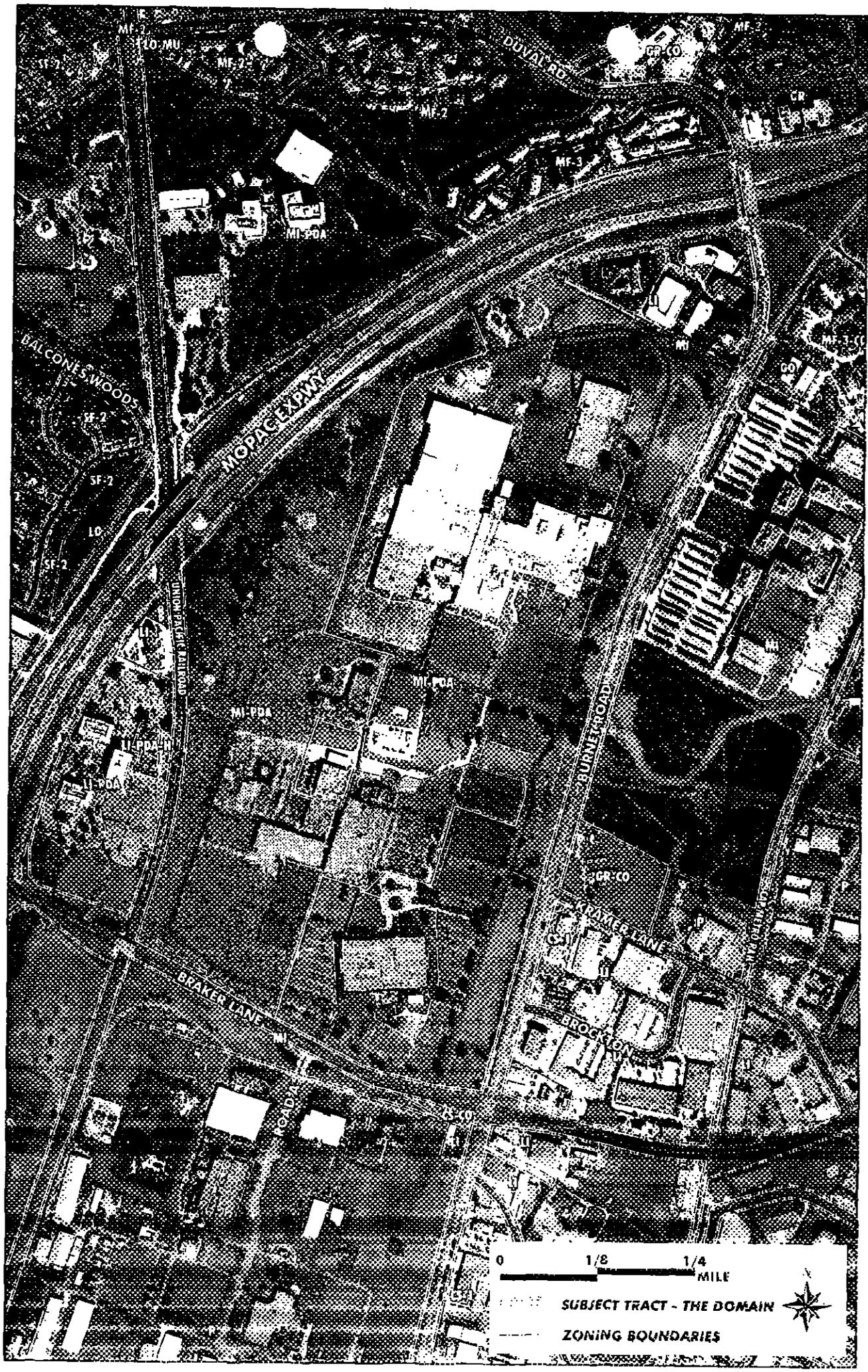
If you have any questions or require further assistance, please contact Chris Dolan at 974-1881.



Patrick Murphy, Environmental Officer
Watershed Protection and Development Review Department

LOCATION MAP AND DIRECTIONS

Take Mopac north to Braker Lane. Turn right (east) on Braker Lane. Entrance to site is approximately $\frac{1}{4}$ mile on left (see map).



MF-2

LO-MU

MF-2

MI-PDA

DUVAL RD

GR-CO

CR

BALCONES WOODS

SF-2

LO

SF-2

MOPAC EXPWAY

DUVAL RD

MI-PDA

MI-PDA

BURME ROAD

GR-CO

CRAMER LANE

BROCKTON

BRAKER LANE

ROAD

0 1/8 1/4 MILE

SUBJECT TRACT - THE DOMAIN

ZONING BOUNDARIES





ENVIRONMENTAL BOARD MOTION 110304-B1

Date: November 3, 2004

Subject: Amendments to the Domain PDA

Motioned By: Phil Moncada

Seconded By: Karin Ascot

Recommendation

The Environmental Board recommends **conditional approval** of the amendment to the Domain PDA Zoning Ordinance # 030731-Z and 030731-Z-5 including the exceptions to the Land Development Code Sections 1) 25-8-301 and 302 – to allow construction on slopes and 2) 25-8-341 and 342 – to allow cut and fill in excess of 4' with the following conditions:

Staff Conditions

1. All cut/fill to be structurally contained;
2. All COA required landscaping to utilize grow green native or adapted material;
3. A minimum of 276 caliper inches of Class 1 trees to be relocated within the site. If a relocated tree does not survive for a year, the owner will install replacement trees on the site equal in the aggregate to the number of inches of the non-surviving relocated tree. 60% of all replacement trees to be container grown from native seed, and the remainder of the trees will include a 2-year survival warranty;
4. Provide an IPM Plan;
5. Prohibit the use of coal-tar based asphalt sealants.

Continued on back

Rationale

The proposed wet pond will treat a contributing area of 230 acres and provide limited treatment for 130 acres of existing development. In addition there are no CEF's, CWQZ, or WQTZ and no floodplain impacts.

Vote 4-0-0-3

For: Ascot, Anderson, Holder, Moncada,

Against: None

Abstain: None

Absent: Curra, Maxwell, Riley

Approved By:

Mary Ruth Holder, Chair